

REMARKS

Reconsideration of this patent application is respectfully requested, in view of the foregoing amendments, and the following remarks.

The amendments to this patent application are as follows. Claim 1 has been amended in the preamble and in the body of the claim to delete the objected to term "derivative." The objected to term "enantiomeric" was cancelled and replaced by the word "racemic." However, the term "enantiomer" is correct and was not revised. The phrase "in the presence of" was cancelled and was replaced by the expression "an effective amount of nucleophile to effect the biotransformation."

The word "enantiopure" was objected to by the Patent Examiner. In response thereto, it is stated that a Specification in % is not possible for a general case as is claimed. Therefore, claim 1 is amended to recite "enantiopure and enantioenriched." In reference to this wording, please refer to US 2003186396 where nearly the same wording (enantiomerically pure) is used in claim 1 too. This shows, that "enantiopure" has a clear and defined meaning understood by one skilled in the art.

In claim 1, "an uncleaved" has been changed to "the uncleaved."

The word "derivative" has been deleted from each of the claims wherever appropriate. This deletion of this word without "substitution" is not possible, because derivative means, that the substance is substituted. Therefore at least the word "substituted" has been added. A derivative of a substance is something different than the substance itself.

The inventors noticed that an important substituent was missing from claim 2. The most important substituent for R3 and R4 is Hydrogen (H). This substituent is missing in the definition of R3 and R4 in claim 2 as well as in the Specification. But all eight examples disclose substances where R3 and R4 are H. Therefore this omission is a correctable error which is now corrected, in claim 2 and in the Specification on Page 8. No new matter has been introduced.

In Claim 2, the phrase "substituted or unsubstituted" has been inserted where appropriate.

In Claim 2 the following words have been inserted into this claim:

The wording "enantiomeric" in lines 3 and 4 has been amended to be "racemic."

The word "substituted" has been added in front of the compounds 1, 3-Dioxolan-4-one and 1, 3-Oxathiolan-5-one and the word "derivative" has been cancelled after each of these compounds.

The Patent Examiner requests a definition for the "substituents" (page 3, line 14 of the Office Action). Such a definition was added to claim 2 as the wording disclosed on Page 10 second paragraph of the US application. Where the radicals are substituted radicals, these are preferably substituted by alkyl, alkenyl, alkynyl, aryl, heteroaryl, hydroxyl, alkoxy, carboxylate, alkoxycarbonyl, amino, nitro or halo radicals. Where the abovementioned radicals contain a heteroatom, it is preferably O, N, or S.

In Claim 4 the word "directly" has been replaced by "in solution form."

In Claim 5 the word "derivative" has been cancelled. In Claim 5, the "/" has been replaced by "or."

In Claim 13, "the solvent" was amended to be "a solvent."
In Claim 13, "the byproducts" was amended to be "byproducts."

For all these reasons, the Specification and all the claims are believed to be in complete compliance with the requirements of 35 U.S.C. 112. Withdrawal of this ground of rejection is respectfully requested.

In summary, claims 1 to 14 are pending, and claims 1, 2, 4, 5, and 13 have been amended. Because Page 3 of the Office Action states that the claims are free of the art of record, the present patent application is believed to be allowable. A prompt notification of allowability is respectfully requested.

Respectfully submitted,

Alfred POPP et al

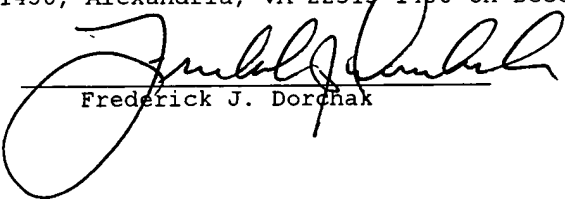
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